

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DALE YELLOW HORSE, and  
DARIN LITTLE WHITE MAN,

Plaintiffs,

v.

DAWES COUNTY JAIL, KARL J.  
BAILEY, Sheriff, and STEVE  
CRILE, Jailer,

Defendants.

8:12CV16

**MEMORANDUM  
AND ORDER**

This matter is before the court on its own motion. On December 9, 2011, Plaintiff Dale Yellow Horse (“Yellow Horse”) filed his Complaint in this matter (filing no. 1), along with a Motion for Leave to Proceed in Forma Pauperis (“IFP”) (filing no. 2).<sup>1</sup> On February 10, 2012, the court granted Yellow Horse’s IFP Motion and assessed an initial partial filing fee pursuant to 28 U.S.C. § 1915(b)(1). (Filing No. 12.) In doing so, the court warned Plaintiff that his case would be dismissed if he failed to pay the initial partial filing fee by March 12, 2012. (*Id.*)

The March 12, 2012, deadline has passed and Yellow Horse has not paid the initial partial filing fee in this matter. (*See* Docket Sheet.) Therefore, Yellow Horse’s claims are dismissed for failing to comply with the court’s February 10, 2012, Memorandum and Order. *See* Fed. R. Civ. P. 41(b); *see also* Conley v. Holden, No. 03-3908, 2004 WL 2202452, at \*1 (8th Cir. Sept. 21, 2004) (affirming district court’s dismissal of inmate’s case for failing to pay the assessed initial partial filing fee).

IT IS THEREFORE ORDERED that:

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<sup>1</sup>Yellow Horse originally filed this matter in the U.S. District Court for the District of South Dakota, which transferred it to this court on January 10, 2012. (*See* Docket Sheet.)

1. Plaintiff Dale Yellow Horse's claims (filing no. [1](#)) is dismissed without prejudice because he failed to comply with this court's orders.

2. The Clerk of the court is directed to terminate Plaintiff Dale Yellow Horse as a plaintiff in this matter.

DATED this 27th day of March, 2012.

BY THE COURT:

*Richard G. Kopf*

Senior United States District Judge

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